

Applicant: Kim et al.
Serial No. 10/083,083
Filed: February 26, 2003
Office Action Date: March 6, 2003
Date: June 6, 2003

REMARKS

In response to the Office Action of March 6, 2003, Applicant encloses herewith a new Oath and Declaration in compliance with 37 CFR 1.67(a) identifying the application by application number and filing date as required. This Oath and Declaration includes information on the two inventors both of whom signed the initial invention Oath in the same spot. Both Hoon Y. Kim and Hyun S. Kim are inventors of the present application and are living at the same address. Please note that the continuation-in-part status of the application is proper as one of the inventors of the present application is the inventor of the application that this application continues from.

Further, in response to the Office Action's objections to the drawings, Applicant encloses herewith a set of proposed changes to the drawings. In Paragraph 2 of the Office Action there is notation that the character "200" has been used to designate more than one tether in Figure 13. Figure 13 now includes separate identification for each of the tethers, that is the number 200 has been amended to include a sub-letter for each of the different letters.

With respect to Paragraph 3 of the Office Action, Applicant has added a new figure number for the four point seat harness (192). It has been numbered Figure 13a and a new legend has been added for the specification for this new figure number. The Applicant notes that a similar action has been done with respect to Figure 15 where a Figure 15a and a title in the specification has been added. With respect to Paragraph 4 of the Office Action, Applicant has added appropriate reference signs, that is 206c and 206d to Figure 13.

With respect to Paragraph 5 of the Office Action, Applicant notes that it was intended that the drawing show that the first and second straps are connected to the third. This was an

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inadvertent error. Applicant has now made indications of the manner of connection of the straps to each other. This has been done in the specification as well as on the drawings. It is suggested that these are connections that are well known in the art, are not part of the invention of the present application, and add no new matter to the application.

Applicant has amended the abstract as requested by the Office Action in paragraph six. Further, Applicant in Paragraph 0022 has changed the word 'restrained' to 'restraint'. With respect to Paragraph 8 of the Office Action, Applicant has made an effort to more clearly explain the speed at which a passenger hits the air bag. Applicant gratefully acknowledges the Examiner's detailed explanation as to what is wrong with the specification and has made amendment to correct this error. No new matter has been added.

With respect to Paragraph 9 of the Office Action, Applicant has corrected the antecedent basis problem in claims 10 and 14. Further, as noted above with respect to Paragraph 0050, Applicant has noted the connection between those parts and shows it now in the drawings, without having added new matter as explained above.

With respect to Paragraph 10 of the Office Action, Applicant has canceled claim 16 without prejudice.

With respect to Paragraphs 11 and 12 of the Office Action, Applicant has amended claim 1 and claim 13 as recommended by the Examiner to correct the 35 U.S.C. §112, 2nd paragraph problem of indefiniteness. Applicant gratefully appreciates the suggestion made by the Examiner and adopts it herewith. With respect to claims 6 and 7, Applicant has amended those claims so that it is clear that the tether indicated is the same tether already recited. With respect to claim 8, Applicant has adopted the Examiner's suggestion for changing "shoulder belts" in line

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2 to "a shoulder belt". With respect to the Examiner's objections to claim 10 and 14, as noted above attachment has now been shown in the specification and in the drawings. It is therefore respectfully submitted that "attachment" is clear. The Examiner's assumption that the first and second shoulder straps are associated with the third or belt strap in a generally perpendicular manner is a valid assumption.

Further prosecution of the present application and reconsideration and withdrawal of the rejections of the claims is respectfully requested.

The office action has rejected claims 1, 2, 4-6 and 9, under 35 U.S.C. §102(b) as being anticipated by Rupert et al. (US 4,226,474). Applicant has cancelled claims 1 and 2 and has amended claims 4-6 and 9 to be dependent on claim 3, which has not been rejected as anticipated by Rupert et al. It is respectfully suggested that claims 4-6 and 9, as now amended, are not anticipated by Rupert et al.

The office action rejects claims 1, 2, 8 and 9, under 35 U.S.C. §102(b) as being anticipated by Lipper et al. (US 5,429,418). Applicant has cancelled claims 1 and 2 and has amended claims 8 and 9 to be dependent on claim 3, which has not been rejected as anticipated by Lipper et al. It is respectfully suggested that claims 4-6 and 9, as now amended, are not anticipated by Lipper et al.

The office action rejects claims 1, 2, 4-6 and 9, under 35 U.S.C. §102(b) as being anticipated by Murray (US 5,733,014). Applicant has cancelled claims 1 and 2 and has amended claims 4-6 and 9 to be dependent on claim 3, which has not been rejected as anticipated by Murray. It is respectfully suggested that claims 4-6 and 9, as now amended, are not anticipated by Murray.

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The office action rejects claims 3-6, 13, 17, 18 and 20-23, under 35 U.S.C. §103(a) as being unpatentable over Lipper et al. ('418) in view of Rupert et al. ('474) or Murray ('014). In short, this rejection states that Lipper et al. teaches the use of a shoulder belt in conjunction with a child safety device, but not the use of a five point system. The office action notes that Rupert or Murray would add the teaching of the back or harness attachments giving the five-point system. However, the Lipper et al. does not provide any suggestion or motivation to combine the teaching of Rupert et al. or Murray with the teachings of Lipper et al. In fact, Lipper et al. teaches away from forming the five point system of the present invention. In its recitation of the problems in the prior art, Lipper et al. states, at column 2, lines 14-40:

A third type of restraint system is a bulky restraint which is secured to existing manufacturer-installed restraint systems. One such commercially marketed system is the "AUTO SAFETY VEST" sold through the catalog of One Step Ahead, Lake Bluff, Ill. *This system is similar to a life preserver vest in which the rear of the vest buckles to a seat belt. This system is designed for children in the upper weight limit still in infant car seats, typically within twenty to forty-five pounds. This system tends to be uncomfortable thus creating a problem with compliance.*

Another problem with the above-described systems and other available restraint systems is the ease of release in the case of an emergency. A restraint device must easily release the child should an emergency arise, such as in the aftermath of a vehicle collision. *The known prior systems are difficult to release in such situations.*

Many of the prior safety restraints are either bulky or difficult to remove once mounted. This limits the availability of use of these devices since a child may be transported in a variety of vehicles. For instance, children are often transported to school or day care via car pools, vans or buses. *This would require a plurality of safety restraints for each vehicle if the safety restraint is not compact and easy to use.*

(emphasis added).

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Lipper et al. teaches against the use of systems tying the back of the wearer to the seat of the vehicle, which is the teachings of both Murray and Rupert et al. It is respectfully suggested that because Lipper et al. teach against the use of the ideas behind Murray and Rupert et al., the combination of these teachings would not have been considered by persons having skill in the art.

The office action rejects claims 10 and 11, under 35 U.S.C. §103(a) as being unpatentable over Lipper et al. ('418) in view of Olaiz (US 5,927,235). It is respectfully submitted that Lipper et al. does not teach the device as claimed in claims 10 and 11. Claims 10 and 11 teach a 5-point harness system that Lipper et al, as noted above, teaches away from. The addition of the elements of Olaiz in no way aids to teach the present invention as claimed. Further, there is no motivation in Lipper et al. or in Olaiz to combine these teachings. The devices of Lipper et al and Olaiz are designed for diametrically different uses; that is one for use in an automobile and the other for use as a pedestrian. While an overlapping belt might be found in any number of application, including clothing manufacture, tool belt manufacture, etc. the present invention is directed to safety restraints in automobiles and the office action, and underlying search, has not uncovered the use of an overlapping belt in an automobile safety system. Finally, the overlap in Olaiz is formed using hook and loop fasteners. Such a system would prove dangerous in use in an automobile as the forces caused by sudden deceleration are sufficient to cause hook and loop fasteners to disengage.

The office action has rejected claims 14-16 under 35 U.S.C. §103(a) as being unpatentable in view of all of the art previously cited. Applicant respectfully submits that it has responded to all of the points made by the office action and again states, that as amended, claims

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14-16 are not taught by any combination of the art cited and that the combinations suggested by the office action are unmotivated and taught against by the art.

The office action has rejected claim 7 under 35 U.S.C. §103(a) as being unpatentable over Rupert et al. in view of Bowtell (AU 9959355 A). As a result of the amendment of claim 7, making it dependent on claim 3 (indirectly through claim 5), this rejection has been overcome. Further, there is no motivation to change the location of the tether point in Rupert to that of Bowtell.

The office action has rejected claim 12 under 35 U.S.C. §103(a) as being unpatentable over Rupert et al. in view of Bowtell and Lipper et al. As discussed in detail above, and as a result of the amendments noted, it is respectfully submitted that these cited patents do not teach the device as claimed in claim 12.

The office action has rejected claim 19 under 35 U.S.C. §103(a) as being unpatentable over all of the prior cited applications. The previous responses with respect, particularly to Lipper et al. are appropriate here. It is respectfully submitted that such a combination of art is particularly attenuated such that the motivation for such combinations is not shown or apparent.

Applicant believes that there is no fee due in connection with this response. If, however, there is a fee due the Commissioner is hereby authorized to charge the unpaid amount, or credit any overpayment, to Deposit Account No. 23-0920.

Further prosecution is respectfully requested. Reconsideration and withdrawal of the rejections of the claims is respectfully requested. A sincere effort has been made to overcome the Examiner's rejection and to place the application in allowable condition. Applicant invites the

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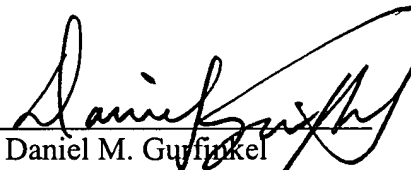
Examiner to call Applicant's attorney to discuss any aspects of the invention that the Examiner may feel are not clear or which may require further discussion.

In view of the foregoing remarks and amendments, it is believed that the subject application is now in condition for allowance, and an early Notice of Allowance is respectfully requested.

Dated: June 6, 2003

Respectfully submitted,

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